

**THE FAYETTE COUNTY PLANNING COMMISSION** held a **Public Meeting/Workshop** on July 21, 2011, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

**MEMBERS PRESENT:** Tim Thoms, Chairman  
Al Gilbert, Vice-Chairman  
Bill Beckwith  
Jim Graw  
Douglas Powell

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Pete Frisina, Director of Community Development  
Dennis Dutton, Zoning Administrator  
Phyllis Williamson, Administrative Secretary

**STAFF ABSENT:** Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

**Welcome and Call to Order:**

Chairman Thoms called the Public Meeting/Workshop to order and introduced the Board Members and Staff.

\* \* \* \* \*

**1. Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, in its entirety.**

Pete Frisina presented the proposed amendments as follows:

**07/07/11 – PC Discussion**  
**07/21/11 – PC Wkshop**

**PROPOSED AMENDMENTS TO THE FAYETTE COUNTY  
CODE OF ORDINANCES, CHAPTER 20. ZONING ORDINANCE**

**ARTICLE III. DEFINITIONS**

~~Day~~ **Child Care Facility.** An agency, organization, or individual providing ~~daytime~~ care for four (4) or more children not related by blood or marriage or not the legal wards of the attendant adult **and would include those providers that offer pre-primary, Pre-K, and/or kindergarten instruction.** (see also, ~~Nursery School.~~)

Pete Frisina explained the changes made to the definition of “Child Care Facility” to see if it meets what the PC previously discussed last week.

The PC concurred with the changes.

**ARTICLE VII. CONDITIONAL USES, NONCONFORMANCES,  
TRANSPORTATION CORRIDOR OVERLAY ZONE, AND  
COMMERCIAL DEVELOPMENT STANDARDS**

B. *Conditional Uses Allowed:*

1612. ~~Day~~ **Child** Care Facility ~~(Nursery School.)~~ (Allowed in C-C, C-H, O-I, A-R, and MHP Zoning Districts, and Church and/or other Place of Worship (see Article VII.)
- a. **The facility shall comply with all applicable licensing requirements of the State of Georgia.** ~~A day care facility may be approved as long as it maintains active certification from the Georgia Department of Human Resources. Should the state certification lapse or be revoked, the Conditional Use permit shall be null and void.~~

Bill Beckwith asked if the ordinance needs to reiterate the facility must comply with state licensing requirements.

Pete Frisina replied it is a check and balance thing.

The PC concurred to leave it in the ordinance to make sure the institution was licensed by the state.

- ~~b. A preliminary license report from the Georgia Department of Human Resources shall accompany the application for a Conditional Use Permit.~~
- b. Outdoor play areas shall be located to the side or rear of the principal building.
- c. At least 100 square feet of outdoor play area shall be provided for each child during the period of maximum attendance.
- d. A fence measuring at least four (4) feet in height shall enclose the entire play area.
- e. If the side or rear yard abuts a residential or A-R Zoning District, a minimum 50 foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. **Said requirements shall apply to all structures and outdoor play areas.**
- f. If adjoining a residential or A-R Zoning District, the hours of operation shall be limited to: Monday through Saturday from 6:00 a.m. to 7:00 p.m., except that all exterior activities shall only occur from 9:30 a.m. to 4:00 p.m.

- g. A convenient vehicle drop-off area shall be provided, permitting vehicles to re-enter the public street in a forward manner.
- h. **Such uses shall be permitted only on a lot which fronts on and accesses a Major Thoroughfare or within a nonresidential development which fronts on and accesses a Major Thoroughfare as specified by the Fayette County Thoroughfare Plan.**

### ARTICLE III. DEFINITIONS

*School, Private.* An elementary (kindergarten thru sixth grade ~~and can include~~ **that may, in conjunction, provide pre-primary and Pre-K instruction**), middle or high school, supported with private funds, providing a curriculum that meets State Board of Education requirements, including schools serving school age children with special needs.

Pete Frisina explained the changes made to the definition of “Private Schools” to see if it meets what the PC previously discussed. He said his interpretation of “Private School” always meant a school for school-aged kids, but it was never really stated, and he didn’t want a karate school in an R-40 zoning district as a Conditional Use. He said he didn’t think this was the intent and this was why this definition for “Private School” was created. He stated Pre-Primary and Pre-K could be included with a “Private School” and the portion discussing curriculum was left in the ordinance.

The PC concurred with the changes.

### ARTICLE VII. CONDITIONAL USES, NONCONFORMANCES, TRANSPORTATION CORRIDOR OVERLAY ZONE, AND COMMERCIAL DEVELOPMENT STANDARDS

- 13. *Church and/or other Place of Worship.* (Allowed in O-I, A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and DR-15 Zoning Districts)
  - a. The lot area shall be at least five (5) acres, and the lot width at the building line shall be at least 400 feet.
  - b. Such uses shall be permitted only on a lot which fronts on and accesses a Major Thoroughfare as specified by the Fayette County Thoroughfare Plan.
  - c. A minimum 50 foot buffer plus the required setbacks listed below shall separate all buildings and use areas from any residential or A-R Zoning District. The setback shall be measured from the buffer. However, off-street parking areas and an unlit tot lot with a maximum size of 2,400 square feet may be located within the setback areas.
  - d. Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein.)
    - i. Front yard: 100 feet
    - ii. Side yard: 50 feet

- iii. Rear yard: 75 feet
- e. Uses and/or structures incidental to a church shall be limited to: a private school, parsonage, gymnasium, playground, tot lot, athletic field, ~~day child~~ care facility, adult day care facility, administration, human cemetery (provided that all requirements for a Cemetery herein are met), broadcast facility, including a tower (see Article V. General Provisions), and seasonal sales (see Article VII. Seasonal Sales as Outdoor Displays) shall be allowed provided all buildings and use areas meet the minimum setback and buffer requirements. Outdoor lighting for recreation purposes shall be prohibited.
- f. ~~Day Child~~ care facilities shall be allowed provided that all requirements for ~~day child~~ care facilities herein are met (see Article VII. Day Child Care Facility (Nursery School))
- g. Adult day care facilities shall be allowed provided that all requirements for adult day care facilities herein are met (see Article VII. Adult Day Care Facility.)
- h. Landscape areas shall be required in accordance with the Development Regulations. Tot lots, as defined herein, shall be planted in accordance with the Development Regulations along the side(s) closest to or adjoining the buffer (see County Code.)
- i. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
- j. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main sanctuary building.
- k. The construction of one (1) open air pavilion utilized for picnics/social gatherings only is allowed under the following conditions:
  - i. The pavilion shall be constructed following the construction of the main sanctuary building;
  - ii. The floor area shall not exceed 40 percent of the square footage of the main sanctuary building; and
  - iii. The pavilion may not be lighted or used after 10:00 p.m.If the open air pavilion is built in conjunction with an attached storage building, the overall square footage shall not exceed 40 percent of the main sanctuary building square footage.

### ARTICLE III. DEFINITIONS

*Vehicle, Recreation.* A self-propelled or towed vehicle used as a temporary dwelling for travel and recreational purposes. Recreation vehicles shall include camping trailers and travel trailers in addition to

self-propelled vehicles ~~and shall~~ which do not exceed eight and one-half (8.5) feet in width, when in travel mode, and 45 feet in length not including the towing vehicle.

Pete Frisina asked the PC if they were in agreement with changes to see if its meets what the PC previously discussed last week.

The PC concurred with the changes.

## ARTICLE V. GENERAL PROVISIONS

### Sec. 5-34. Buffer.

A buffer shall provide a separation of uses from abutting properties and a visual screen through the use of natural vegetation or other means, including, replanting or supplemental plantings (see County Code, Development Regulations, for planting requirements.) Other visual screening elements or noise attenuation devices, such as walls or berms, may be utilized in addition to the vegetation in the buffer. Stormwater retention and detention facilities may be located in a buffer but shall be set back a minimum of 25 feet from the property line. Said 25 feet, as measured from the property line, shall be for the aforementioned required natural vegetation, landscape plantings, and other visual screening elements or noise attenuation devices only.

Multi-use path access and utilities (including underground stormwater piping) may be located anywhere within the buffer (see **Septic Systems and Drain Field Lines**.) *A buffer shall not be required along the common boundary where the side and/or rear yard abuts property owned by the Board of Commissioners, the Board of Education, a municipality, the State of Georgia or Federal Government that is in a residential or A-R zoning district. This provision shall apply to all buffers required by the Zoning Ordinance.*

The PC concurred.

## ARTICLE VI. DISTRICT USE REQUIREMENTS

### Sec. 6-25. Planned Unit Development.

4. *Development Plan.* The following information shall be submitted as the Development Plan:

- g. ~~Perspective drawings~~ Elevations of ~~representative~~ building types for all non-residential structures which indicate the proposed general architectural style and appearance; and

Al Gilbert asked if the subject of two (2) power meters on a piece of property that had an accessory structure had been cleared up.

Pete Frisina explained the Permits and Inspections Department said they would address this on a case by case basis. He said the Permits and Inspections Department only allows an additional power meter if the panel in your home can't handle adding another structure to the property or if the additional structure on the property is located far enough away to be a problem.

Doug Powell asked if this would allow a problem to occur with people putting an extra meter in for an accessory structure to rent out.

Pete Frisina replied the Permits and Inspections Department would oversee that situation and only allow the extra meter where they deem necessary. He added staff would continue to review the Zoning Ordinance to allow discussion of further proposed amendments.

\* \* \* \* \*

2. **Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VI. District Use Requirements, Sec. 6-25. Planned Unit Development, F. Planned Retreat or Lodge and Article V. General Provisions.**

Pete Frisina presented the proposed amendments as follows:

07/07/11 – PC Wkshop  
07/14/11 – BOC Discussion  
07/21/11 – PC Wkshop

**PROPOSED AMENDMENTS TO THE FAYETTE COUNTY  
CODE OF ORDINANCES, CHAPTER 20. ZONING ORDINANCE**

F. **Planned Retreat and/or Lodge.**

1. *Purpose.* The intent of a Planned Retreat and/or Lodge (PRL) is to provide a development exclusively designed to accommodate the assembly of a groups or organizations for the purpose of association, education, or instruction through conferences, seminars, and/or camps. ~~whereby~~ Food and lodging may be furnished for a definite and temporary period.
2. *Permitted Uses.* The following uses may be proposed in a PRL:
  - a. Assembly/meeting facilities (indoor and outdoor);
  - b. Dining facilities;
  - c. Lodges, dormitories, cabins, and/or tent campsites for temporary occupancy;
  - d. Recreational facilities, including, but not limited to: recreational courts/fields, playgrounds, picnic pavilions, swimming pools; and
  - e. Caretaker and/or staff housing.

In addition, only those uses (Permitted and Conditional) allowed in the A-R Zoning

District ~~shall~~ may be proposed for a PRL. Only those uses approved through the rezoning process will be allowed in the PRL.

**Page 7**  
**July 21, 2011**  
**PC Public Meeting/Workshop**

Jim Graw expressed concern about permitting all of the uses allowed in an A-R zoning district in a PUD-PRL. He stated some of these uses were not compatible with the PRL zoning district and should not be allowed.

Bill Beckwith said the county would then need to treat it as a PUD.

Pete Frisina explained the PRL is only considered on property that was previously zoned A-R.

Bill Beckwith stated since a PRL was only allowed on previously zoned A-R property, he was fine with leaving all the A-R uses in the PRL zoning district.

Jim Graw continued to reiterate he wanted to pick out certain uses for the PRL, uses that are more appropriate. He gave the example that a power sub-station would not be a good use and he stated in the Planned Entertainment Farming zoning district, the county does list specific uses.

Pete Frisina said while Planned Entertainment Farming does list specific uses, Planned Industrial Park includes uses that are allowed in M-1 and M-2 zoning districts and Planned Small Business Center allows O-I, C-C, C-H, and M-1 uses.

Al Gilbert pointed out the PC does have the authority, on a case by case basis, to tell the applicant of a PRL the uses they want are not allowed since a PRL is a PUD.

Doug Powell said what if someone wanted to do a green energy, earth friendly retreat and all the buildings in the park were powered by wind mills or other earth friendly sources of energy. He stated this wouldn't necessarily be a power sub-station, but would not be what one would normally expect at a retreat; however, this use might still be allowed under these circumstances.

Bill Beckwith said what this board thinks is useful in that zoning district might be different from what a future board would want.

After a lengthy discussion concerning the pros and cons of limiting the uses in the PRL zoning district, Chairman Thoms said Doug Powell and Bill Beckwith preferred leaving the A-R options in the ordinance.

Pete Frisina concurred.

3. ~~Conditional Uses. The following Conditional Uses shall be allowed in the PUD-~~

~~PRL Zoning District provided that all conditions specified in Article VII. Conditional Uses.~~

Page 8  
July 21, 2011  
PC Public Meeting/Workshop

~~Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:~~

- ~~a. Home Occupation; and~~
- ~~b. Telephone, Electric or Gas Sub Station or other Public Utility Facilities.~~
- 3. *Minimum Dimensional and Other Requirements.* The minimum requirements for a PRL shall be as follows:
  - a. *Location:* A-R Zoning District
  - b. *Development size:* 50 contiguous acres
  - c. *Maximum density:* One (1) single-family unit for each 10 net acres of the development.

Bill Beckwith asked Pete Frisina to explain maximum density in a PRL.

Pete Frisina explained the ordinance is addressing density not lot size, meaning you could have a maximum of five (5) houses on 50 acres, where under A-R zoning district you would get more.

- d. *The proposed site shall be permitted only on a lot which fronts on and accesses a Major Thoroughfare, as specified by the Fayette County Thoroughfare Plan.*
- e. *A Site Plan will be required prior to the construction of structures and/or recreational facilities, as applicable, per the Development Regulations (see County Code.)*
- f. Each structure whose principal purpose is to provide housing lodging shall have paved access to a public street ~~maintained by the County~~. Said paved access shall meet the requirements of the Development Regulations (see County Code.) have a minimum width of 60 feet.
- g. No structure shall be permitted within 150 feet of the right-of-way (existing or required) of any existing street abutting or bisecting the development ~~maintained by the County~~.
- h. A buffer ~~zone~~ of 150 feet shall be provided around the periphery of the development. *Any vehicular or multi-use path access proposed within the buffer shall be approved through the rezoning process and indicated on the Development Plan, and conditions of approval may be imposed by the Board of Commissioners.*

Pete Frisina presented a handout regarding the buffer around the periphery of the PRL. He presented the following:

~~A buffer zone of 150 feet~~ *The Development Plan shall indicate the different use areas for the proposed*



development and appropriate buffers shall be provided around the periphery of the development to afford adequate separation of uses from abutting or nearby properties to alleviate any adverse affect on the use or

Page 9  
July 21, 2011  
PC Public Meeting/Workshop

usability of abutting or nearby properties. Said buffers shall be approved through the rezoning process and indicated on the Development Plan, and conditions of approval may be imposed by the Board of Commissioners. Any vehicular or multi-use path access proposed within the buffer shall be approved through the rezoning process and indicated on the Development Plan, and conditions of approval may be imposed by the Board of Commissioners.

The PC objected the proposed amendment indicated on the handout.

Pete Frisina asked the PC to consider the 150 foot required buffer surrounding the periphery of any PRL development. He stated the 150 foot buffer was somewhat excessive and added the only other PUD that has a 100 foot buffer requirement is in the PUD-POR (Planned Outdoor Recreation) zoning district which may seem onerous to any proposed applicant. He added a 50 foot buffer would probably be a good buffer for this PRL type of use.

Chairman Thoms said the distance depends on what is located on the PRL and what is adjacent to it; or in other words, a swimming pool on the PRL adjacent to a single-family dwelling might need a larger buffer.

Pete Frisina explained a private school or church would have a 50 foot buffer and we don't require a 150 foot buffer for a landfill; therefore, it was excessive for the PRL.

Bill Beckwith suggested a minimum 75 foot buffer with the option to increase the buffer through the PUD process, if the P.C. saw the need.

Pete Frisina said he would amend the ordinance to indicate a 75 foot minimum buffer and the option to increase the buffer if needed.

- i. Height limit: 35 feet

## ARTICLE V. GENERAL PROVISIONS

### Sec. 5-8. Street Frontage for Access.

- A. For access purposes, all residential or non-residential lots shall have frontage on a street and/or a cul-de-sac that is either:
  - 1. A public street; or
  - 2. A private street built to County standards and deeded to the property owners' association and/or the homeowners' association through a recorded warranty deed which the owner of any lot within the subdivision is required to join.

Pete Frisina advised the proposed amendments will be advertised for the August 4, 2011, public hearing.

\* \* \* \* \*

**3. Discussion/Consideration of the Planning Commission Rules of Procedure.**

Pete Frisina advised the PC they needed to adopt Rules of Procedure as referenced in the Zoning Ordinance under Article XI. He presented the Rules of Procedure as follows:

**07/21/11 – PC Wkshop**

**Planning Commission Functions**

**Zoning Ordinance**

Rezoning (public hearing - recommendation)

Amendments to the Zoning Ordinance (public hearing - recommendation)

**Comprehensive Plan**

Amendments to the Comprehensive Plan (public hearing - recommendation)

**Subdivision Regs**

Preliminary Plat (approval)

Revised Preliminary Plat (public hearing - approval)

Appeal - if Zoning Administrator rejects Preliminary Plat (approval)

Final and/or Minor Subdivision Plat (approval)

Revised Final and/or Revised Minor Subdivision Plat (public hearing - recommendation)

Variance or Appeal - Undue Hardship (approval)

**Development Regulations**

Appeal for a Variance –

Floodplain Ordinance (approval)

Watershed Protection Ordinance (approval)  
Landscape Ordinance (approval)

**07/21/11 – PC Wkshop**

**Page 11**  
**July 21, 2011**  
**PC Public Meeting/Workshop**

### **Fayette County Planning Commission Rules of Procedure**

#### Sec. 1. - Call to Order

If, at the time of a meeting, the chairman, or vice-chairman who has the authority to act in the chairman's absence, determines that all Planning Commission members have been notified or an attempt has been made to notify all members and that a quorum of the members is present, he shall have the authority to call the meeting to order. A quorum is required for the commission to take official action and shall consist of at least three (3) of the five (5) members of the commission. The call to order shall not require any preceding action but may be issued solely by the authority of the chairman. Prior to the public hearings, the chairman shall cause the public hearing procedures to be read. In the absence of both the chairman and vice-chairman, the members present shall determine if a quorum is present and shall call for the election of a temporary chairman to preside over the meeting.

#### Sec. 2. – Conduct of Public Hearings for Amendments to the Official Zoning Map (rezoning), Amendments to the Zoning Ordinance Text, and Revisions to a Preliminary Plat.

The chairman shall cause the petition to be read prior to the public hearing. Once the petition is read the chairman shall call for the petitioner or the petitioner's representative to make their presentation at the podium. A cumulative total of 15 minutes will be granted for the presentation by the Petitioner, those speaking in favor of the petition, and for the rebuttal by the Petitioner. At the conclusion of the presentation, the chairman shall ask for public input at the podium, first from anyone who wishes to speak in favor of the petition and second from anyone who wishes to speak in opposition of the petition. Those in opposition will be granted a cumulative total of 15 minutes; however, no person shall speak longer than three (3) minutes to allow others an opportunity to speak. If a group wishes to speak, a spokesperson should represent the group. The petitioner shall have an opportunity to rebut those issues raised by those in opposition to the petition. The timer located on the podium will reflect the time remaining. After the aforementioned groups have spoken, the commission will close the floor to further public comment on the petition. No comments or questions can be raised by the petitioner, their representative, or members of the audience unless recognized by a commissioner. The commission may ask questions or make comments prior to or after a motion is made and seconded.

Sec. 3. – Conduct of Public Hearings for Amendments to the Comprehensive Plan

The chairman shall cause the petition to be read prior to the public hearing. At the conclusion of the presentation, the chairman shall ask for public input at the podium, first from anyone who wishes to speak in favor of the amendment and second from anyone who wishes to speak in opposition of the amendment. Those in opposition will be granted a cumulative total of 15 minutes; however, no person shall speak longer than three (3) minutes to allow others an opportunity to speak. If a group wishes to speak, a spokesperson should represent the group. The timer located on the podium will reflect the time remaining. After the aforementioned groups have spoken, the commission will close the floor to further public comment on the amendment. No comments or questions can be raised by the members of the audience unless recognized by a commissioner. The commission may ask questions or make comments prior to or after a motion is made and seconded.

Sec. 4. - Motions—General Requirement.

The Planning Commission can take action only when a motion to take such action is made and passed by the commission.

Pete Frisina clarified “action” is the vote.

Sec. 5. - Same—Procedure.

Doug Powell asked for clarification of “Same.”

Pete Frisina explained “Same” is referring to “Motions” under Sec. 5. thru Sec. 10. and “Same” is referring to “Special Motions” under Sec. 11. thru Sec. 13.

Doug Powell suggested deleting “Same”

- (a) Before a motion can be discussed or voted upon by the Planning Commission, it must be presented to the commission by a member of the commission. The presentation is made by merely stating the motion.

Jim Graw suggested inserting “in the form of a motion” at the end of the first sentence.

Doug Powell suggested the following: (a) Before an item can be voted upon by the Planning Commission, it must be presented to the commission by a member of the commission in the form of a motion.

**Page 13**

**July 21, 2011**

**PC Public Meeting/Workshop**

- (b) Immediately after the motion is presented to the commission, the chairman shall ask for a member to second the motion. If the motion is not seconded, it shall fail for lack of a second.
- (c) If the motion is seconded, the chairman shall immediately ask for discussion of the motion. Discussion of the motion shall be limited to the commission and shall relate solely to the motion on hand; however, any member may question the petitioner, their representative, a member of the audience, or staff.
- (d) Upon the conclusion of discussion, the chairman shall restate the motion and call the question.

Sec. 6. - Same—Amendment.

Doug Powell suggested deleting “Same.”

- (a) An amendment may be suggested by any member of the commission. The amendment shall be suggested only during the discussion of the original motion.
- (b) A motion can be amended only with the consent of the member making the motion. If the member who seconded the original motion disagrees with the amendment, he shall be allowed to withdraw his second. When a second is withdrawn, the chairman shall immediately request a new second.
- (c) After a motion is amended, the chairman shall call for discussion and proceed with the consideration of the motion in the manner provided above.

Jim Graw suggested inserting “as outlined in Sec. 5. (c)” after “in the manner provided above.”

Sec. 7. - Same—Withdrawal.

Doug Powell suggested deleting “Same.”

- (a) Any motion may be withdrawn at the discretion of the member making the motion.
- (b) Motions may be withdrawn at any time prior to the calling of the question by the chairman.

Sec. 8. - Same—Reconsideration.

Doug Powell suggested deleting “Same.”

**Page 14**  
**July 21, 2011**  
**PC Public Meeting/Workshop**

- (a) A motion, which has been passed, defeated, or which fails for lack of a second, may be reconsidered by the commission during the same meeting provided the commission passes a motion for reconsideration. Otherwise, the original motion may not be presented to the commission again during the same meeting.

Doug Powell suggested deleting the last sentence.

- (b) A motion for reconsideration can only be made by a member who voted against the original motion, if defeated, or in favor of the original motion, if passed. Otherwise, any member may make a motion for reconsideration.

A lengthy discussion was held regarding clarification of the first sentence. During the discussion, the deletion of (b) in its entirety was discussed because it seemed confusing. Chairman Thoms and Jim Graw objected. Different scenarios of the meaning of the first sentence were also discussed including the minority votes vs the majority votes. After further discussion, the PC concurred that (b) should not be deleted.

Doug Powell suggested deleting the first sentence and “Otherwise,” from the second sentence.

Sec. 9. - Same—Vote.

Doug Powell suggested deleting “Same.”

- (a) A member in favor of a motion shall say "aye" while holding up his/her right hand.
- (b) A member against a motion shall say "nay" while holding up his/her right hand.
- (c) A member present but refusing to vote shall be recorded as abstaining.
- (d) All votes shall be by simple majority.
- (e) Three (3) affirmative votes in favor of the motion are needed to pass a motion. A motion for the approval or denial of a petition or appeal which fails to receive three (3) affirmative votes shall be considered a denial.
- (f) A[n] unanimous passing vote shall mean a vote in which all members of the commission present vote in favor of the motion.

Sec. 10. - Special Motions—Call the Question.

- (a) During the discussion of any motion, any member may move to call the question in order to end discussion and have the vote on the pending motion.
- (b) When a member has moved to call the question, discussion of the original motion shall cease and the chairman shall immediately restate the motion and then proceed with a vote on whether to call the question. A second of a motion to call the question shall not be necessary.
- (c) If the vote is in favor of the motion to call the question, the chairman shall immediately call the question on the original motion.
- (d) If the vote is against the motion to call the question, discussion of the original motion shall continue.

Sec. 11. - Same—Point of Order.

Doug Powell suggested deleting “Same.”

- (a) Whenever a member has a question as to the procedure being followed by the chairman, he may raise a point of order. A point of order requires no second.
- (b) Upon the raising of a point of order, the chairman shall stop the meeting and the member shall state his question. The meeting shall continue after a determination of the question has been rendered by the chairman.

Sec. 12. - Same—Out of Order.

Doug Powell suggested deleting “Same.”

- (a) The chairman shall have the authority to cite any individual out of order when that individual, in the opinion of the chairman, violates these rules of procedure.
- (b) No other action shall be required in citing an individual out of order.
- (c) When an individual has been cited as out of order, the chairman shall state the reasons therefore and shall give the individual directions regarding compliance with these rules.

Sec. 13. - Same—Adjournment.

Doug Powell suggested deleting “Same.”

**Page 16**

**July 21, 2011**

**PC Public Meeting/Workshop**

- (a) Adjournment of the meeting must be by motion.
- (b) A motion to adjourn does not require a second.
- (c) When a motion to adjourn is passed, the commission may no longer act until another meeting is called to order.

Pete Frisina advised he would make the changes as discussed and present the revised Rules of Procedure at the public hearing scheduled for August 4, 2011.

\* \* \* \* \*

Chairman Thoms asked if there was any further business.

Pete Frisina advised the Minutes, Workshop Minutes, the proposed amendments to the PUD-PRL, and the Rules of Procedure were items on the August 4, 2011, agenda.

Hearing none, Bill Beckwith made a motion to adjourn the Public Meeting/Workshop. The motion unanimously passed 5-0. Members voting in favor were: Chairman Thoms, Al Gilbert, Bill Beckwith, Jim Graw, and Doug Powell. The Public Meeting/Workshop adjourned at 8:48 P.M.

**PLANNING COMMISSION**

**OF**

**FAYETTE COUNTY**

**ATTEST:**

---

**TIM THOMS**  
**CHAIRMAN**



---

**PHYLLIS WILLIAMSON**  
**ADMINISTRATIVE SECRETARY**